

COPY

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

GEN-PROBE, INCORPORATED,

Plaintiff,

v.

VYSIS, INC.,

Defendant.

CASE NO. 99CV 2668H (AJB)

**DECLARATION OF THOMAS W.
BANKS IN SUPPORT OF VYSIS'
REPLY MEMORANDUM IN
SUPPORT OF ITS MOTION FOR
ENTRY OF FINAL JUDGMENT
UNDER RULE 54(b)**

Date: July 30, 2001
Time: 10:30 a.m.
Dept. Courtroom 1

I, Thomas W. Banks, declare and state as follows:

1. I have personal knowledge of the facts set forth in this declaration.
2. I am an attorney licensed to practice in the State of California and admitted to practice in the United States District Court for the Southern District of California. I am a partner at

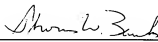
1 the law firm of Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P., and represent Defendant
2 Vysis, Inc. ("Vysis") in this litigation.

3 3. Attached as Exhibit A to this declaration is a true and correct copy of Gen-Probe
4 Incorporated's Objections and Responses to Vysis, Inc.'s Third Set of Interrogatories, Nos. 10 and
5 11.

6 4. Attached as Exhibit B to this declaration is a true and correct redacted copy of the
7 Nonexclusive License Agreement Under Vysis' Collins Patents.

8 I declare under penalty of perjury under the laws of the United States of America that the
9 foregoing is true and correct to the best of my knowledge and belief.

10 Executed this 12th day of July, 2001 at Palo Alto, California.

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Thomas W. Banks